

County of Loudoun
Department of Planning
MEMORANDUM

DATE: November 4, 2009

TO:	Building and Development, ERT	William Marsh	MS 60
	Building and Development, Zoning	Marilee Seigfried	MS 60
	Fire, Rescue & Emergency Services	Maria Taylor (3)	MS 61
	Health Services—Environmental	Alan Brewer	MS 68
	Office of Transportation Services	Terri Smithson	MS 69
	Planning, CIO	Miguel Salinas	MS 62
	Planning, Comprehensive	Cindy Keegan	MS 62
	Virginia Department of Transportation	Tom Van Poole (3)	MS 00
	Board of Supervisors	Sally Kurtz	MS 01
	Board of Supervisors	Stevens Miller	MS 01
	Planning Commission	Erin Austin	MS 62
	Planning Commission	Sandra Chaloux	MS 62

FROM: Mike Elabarger, Project Manager

SUBJECT: **SPEX 2009-0030 & CMPT 2009-0009 - CWS Exit 5 Claiborne Parkway**

COMMENT

DUE DATE: **December 4, 2009** (Note: Please provide one paper copy to Project Manager by due date and one electronic copy of referral comments to Mike.Elabarger@loudoun.gov. If you have any questions, please contact me at 703-737-8506).

Please find the enclosed information for your review: **(Please see LMIS documents if no hard copy is provided)**

1. Information Sheet
2. Statement of Justification
3. Checklist Waiver letter dated September 29, 2009
4. Waiver Request letter dated August 24, 2009 – Landscape Buffer
5. Aerial Photo proposed location
6. Photo-simulations & Propagation maps
7. Letters of Intent, Clearwire and T-Mobile
8. FCC Form 620
9. FAA Determination issued May 11, 2009
10. Tree Survey dated September 21, 2009
11. Section 106 Coordination report dated August 2009. Archaeological Survey Page 21.
12. Traffic Letter dated August 24, 2009 & Traffic Checklist dated September 16, 2009 (OTS, VDOT)
13. Plat revised through October 30, 2009.

SPEX 2009-0030 & CMPT 2009-0009
CWS Exit 5 Claiborne Parkway

APPLICANT: Community Wireless Structures, LLC
Thomas A. Murray
2800 Shirlington Road, Suite 960
Arlington, VA 22206
703-845-1971

PROPERTY OWNER: Toll Road Investors Partnership II LP
Tom Sines, CEO
45305 Catalina Court, Suite 102
Sterling, VA 20166
703-707-9096

REPRESENTATIVES: Donohue & Blue PLC
Ed Donohue
801 North Fairfax Street, Suite 209
Alexandria, VA 22314
703-549-1123 Ext. 102
Ed.donohue@donohueblue.com

PROPOSAL: A Special Exception and Commission Permit to construct a 150-foot monopole with five-foot lightning rod and ground equipment at Exit 5 of the Dulles Greenway.

LOCATION: Exit 5 eastbound ramp of the Dulles Greenway at Claiborne Parkway, Ashburn, VA.

ZONING: Collectively, the entire subject parcel is zoned AR-1, JLMA-20, PDH3, PDH4, PDIP, PDOP, PDTRC, R-1, R-16, Town and TR-10. Zoning in the area of the parcel specific to the telecommunication facility is PDH3.

TAX MAP/PARCEL: Tax Map—n/a MCPI—234-37-8457

PROPOSED RESIDENTIAL UNITS: n/a

PROPOSED NON-RES SQUARE FOOTAGE: n/a

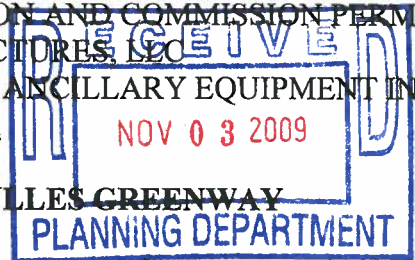
SURROUNDING LAND USES/ZONING:

NORTH	PDH4	Residential
SOUTH	PDH3	Commercial Industrial
EAST	PDH3	Dulles Greenway/Residential
WEST	PDH3	Commercial Industrial

ELECTION DISTRICT: Catoctin and Dulles

STATEMENT OF JUSTIFICATION

IN SUPPORT OF THE APPLICATION FOR A SPECIAL EXCEPTION AND COMMISSION PERMIT
TO PERMIT COMMUNITY WIRELESS STRUCTURES, LLC
TO CONSTRUCT A TELECOMMUNICATIONS FACILITY AND ANCILLARY EQUIPMENT IN
LOUDOUN COUNTY, VIRGINIA



EXIT 5: BROADLAND @ CLAIBORNE PKWY / DULLES GREENWAY

CWS requests review and approval of a proposed one hundred fifty (150) foot monopole telecommunications facility (155' with lightning rod) to be located in a strand of trees between Route 267 and the eastbound ramp, more commonly known as Exit 5 Broadland. The proposed monopole will be surrounded by an eight (8) foot board on board over chain link security fence as shown on the Special Exception Plat. The visual impact from the communications facility will be minimal. The proposed monopole is compatible with development in the vicinity. Since the proposed location is adjacent to a highway, the structure will be viewed primarily by those traveling north and south on Route 267 (Dulles Greenway). The nearby thoroughfare is lined with utility and light poles, so the monopole blends with the other poles in the area. The proposed monopole is in the vicinity of power poles running along Route 267. The design of the proposed monopole blends with the nearby utility and light poles.

The purpose of the proposed telecommunications facility is to provide needed wireless communications coverage enhancements for the citizens, businesses and visitors of Loudoun County traveling through, working and living in the surrounding area for essential, non-essential and emergency communications.

The proposed telecommunications facility will include proposed antennas and related cables. Additionally, the proposed telecommunications facility will include equipment pads for T-Mobile and Clearwire with room for five (5) additional wireless providers. The proposed telecommunications facility will be located within a 6000 square foot board on board over chain link fenced compound. The total Special Exception Area, as indicated on the Special Exception Plat submitted with this application is 17,025 square feet. The proposed telecommunications facility will function as a base transmission station for wireless telecommunications networks. The proposed telecommunications facility is subject to the standards of Section 5-618. The proposed telecommunications facility will comply with the standards set forth in Section 5-618 as well as the general special exception standards of Section 6-1310. The proposed 150' monopole (155' with lightning rod and appurtenances) will accommodate T-Mobile at a proposed mounting height of 150' with twelve (12) panel antennas. Each panel antenna is 59" high, 11.9" wide and 6.3" deep. Clearwire will install at a proposed mounting height of 140' with three (3) panel antennas. Each panel antenna is 42" high, 12" wide and 4.5" deep. Additionally, Clearwire will install three (3) microwave dishes not to exceed 2' in diameter. There will be space for up to five (5) additional wireless providers on the proposed structure and inside of the proposed compound area.

In accordance with the requirements of the Zoning Ordinance of Loudoun County, VA., Community Wireless Structures, LLC ("CWS" or "Applicant") hereby submits this Statement of Justification in support of its request for a Special Exception and Commission Permit to allow for the construction of a one hundred fifty (150) foot monopole telecommunications facility (155' with lightning rod) and ancillary equipment on the property (the "Property") located near the Route 267 eastbound ramp of Exit 5. The Property is owned by the Toll Road Investors Partnership II, LP.

NATURE OF REQUEST

CWS is a wireless infrastructure developer serving the wireless carriers in the Washington, D.C., metropolitan area, including Loudoun County. Section 4-100, 5-618(B)(2)(d) and Section 5-618(B)(3) of the Loudoun County Zoning Ordinance, effective June 16, 1993, as amended (the "1993 Ordinance"), and pursuant to

Section 15.2-2232 of the Code of Virginia, as amended, CWS, as lessee, applies for a Special Exception to construct a one hundred fifty (150) foot (155' with lightning rod) foot monopole communications facility with a sixty (60) foot by one hundred (100) foot compound enclosed with an eight (8) foot board on board over chain link fence on the Property located at Exit 5 along the Dulles Greenway. The Exit 5 facility area will be an approximately six thousand (6,000) square foot area on the property identified in the County land records as PIN: 234-37-8457 (the "Site") near the intersection of Claiborne Parkway and the Dulles Greenway. The total Special Exception Area, as indicated on the Special Exception Plat submitted with this application is 17,025 square feet.

The proposed facilities will be in conformance with Section 5-618(B) of the Zoning Ordinance.

The setbacks from the property lines are approximately: 360 feet to the North East, 129 feet to the South West, 681' to the North West, and 1085' to the South East. These setbacks exceed the requirements set forth by section 5-618(B)(3)(e).

ZONING CLASSIFICATION OF PROPERTY

Collectively, the entire subject property is zoned AR-1, JLMA-20, PDH-3, PDH-4, PD-IP, PD-OP, PDTRC, R-1, R-16, TR-10 and Towns zoning districts. The zoning in the area of the parcel specific to the telecommunications facility is zoned PDH3. The parcels adjacent to this facility are zoned PDH3 (south, east & west of Site), PDH4 (north of the Site).

In accordance with Section 5-618(B)(2)(d), a Special Exception from the Board of Supervisors is required in to order to construct and operate "telecommunication facilities" within the right of way of a private toll road.

REASON FOR REQUEST

The proposed facility is necessary to cover gaps in service in the vicinity of and around portions of Route 267 and the general area surrounding the Property. As more specifically shown, on the propagation maps submitted with this application, the wireless service providers using this communications facility need additional coverage in and around the immediate area, CWS respectfully requests that this proposal be approved.

No suitable existing buildings or structures tall enough to support antennas were found within a one mile radius of the proposed site. Applicant considered the following alternate sites; for the reasons noted below, none of the alternate sites is preferable to the Property.

	<u>Site</u>	<u>Address</u>	<u>Zoning</u>
a.	Willow Creek Farm There were no existing structures 50 feet or taller on this property.	42920 Broadlands Blvd.	PDH3
b.	Hillside Elementary School There were no existing structures 50 feet or taller on this property.	43000 Ellzey Dr	PDH3

The area in the vicinity of the site consists of predominately commercial and planned residential development uses. Applicant has located on the proposed Property which has sufficient space to accommodate a communications facility and the related ancillary proposed equipment compound. The proposed communications facility will be located in a strand of trees between Route 267 and the eastbound ramp, and will be screened by the existing trees and vegetation. The monopole will be surrounded by an eight (8) foot board on board over chain link security fence as shown on the Special Exception Plat. The visual impact from the communications facility will be minimal.

CONSISTENCY WITH THE GOALS AND POLICIES OF THE COMPREHENSIVE PLAN

Relationship to the Comprehensive Plan and the Zoning Ordinance

The Comprehensive Plan. The Strategic Land Use Plan for Telecommunications Facilities was adopted as part of Loudoun County's Comprehensive Plan on November 6, 1996. The purpose of this policy document includes "...ensuring appropriate siting and design, and mitigating impacts of telecommunications facilities". The following is a discussion of the consistency of the proposed expanded monopole facilities with the goals and policies outlined in the 1991 General Plan.

Siting

The proposed telecommunications facility will have no impact on air quality, water quality, radiation exposure, light pollution, noise pollution, traffic congestion or circulation. The proposed telecommunications facility will be consistent with all applicable requirements, including building and fire code. The proposed telecommunications facility will not present safety or fire hazards. The proposed telecommunications facility is an unmanned facility that will not produce material noise, traffic, waste, or otherwise negatively impact the surrounding uses. The site will be visited approximately once per month by a technician for regular maintenance. There will be no new or additional glare or light generated by the proposed use.

The antennas emit no noise, light, or odors. The proposed telecommunications facility will have no discernable traffic impact. All carriers, and future carriers, co-locating on the monopole are licensed by the FCC, and each operates its equipment in full compliance with FCC rules and regulations.

Design

The attached Special Exception Plat shows the design of the communications facility and its relation to the existing structures on the Property. The communications facility will be one hundred fifty (150) foot in height (155' foot with lightning rod). It is placed between the eastbound access ramp and Route 267 in a stand of trees. Applicant proposes a sixty (60) foot by one hundred (100) foot fenced compound area. The proposed compound area will be surrounded by an eight (8) foot board on board over chain link security fence as shown on the Special Exception Plat. There will be additional utility equipment placed within the compound area to provide power and telecommunications services to the communications facility.

The Zoning Ordinance. Telecommunications monopoles shall be permissible subject to approval of a special exception and subject to the performance standards listed in Sections 5-618(B)(3) and 5-618(B)(4), 5-618(B)(2)(d); In accordance with Section 5-618(B)(2)(d), a Special Exception from the Board of Supervisors is required in to order to construct and operate "telecommunication facilities" within the right of way of a private toll road.

CWS understands that the requested facility is subject to approval of a special exception and subject to the performance standards cited above.

- Applicant has designed the proposed telecommunications facility to be at the lowest height possible while still providing coverage to the desired coverage area. Given the location within the existing treed area, the proposed telecommunications facility will create minimal visual impact as is illustrated in the photos simulations submitted as part of this application.

- The proposed monopole, panel antennas, dishes, and related equipment cabinets will all be within the size and height limitations specified in the Zoning Ordinance. The equipment structures and cabinets will be finished in neutral, non-reflective materials, and will be completely screened by a board on board over chain link security fence and vegetative buffer. There will be no commercial advertising on the proposed Site.
- There will be no signals or lights or illumination on any antennas, unless required by state or federal authorities or the County.
- The proposed facility will be constructed to accommodate up to seven (7) wireless service providers.
- The Site is not located within a County-designated historic district.

CWS believes that the preceding responses demonstrate that the proposed facility is in conformance with the stated goals and policies of the Comprehensive Plan and that each of the above criteria for evaluating special uses has been met.

Conclusion

The proposal described above is consistent with and furthers the policies and standards for the placement of commercial public telecommunications facilities in each of the applicable zoning districts as set forth in the Loudoun County Comprehensive Plan and Zoning Ordinance. The Applicant's proposed facility will comply with all applicable development and building codes and the proposed uses will conform to all ordinances, regulations, adopted standards, and conditions. Accordingly, CWS respectfully requests approval of this Application for Special Exception.

CONSIDERATIONS OF SECTION 5-618(B)(3) MONOPOLES

GENERAL PERFORMANCE CRITERIA

EXIT 5: BROADLAND @ CLAIBORNE PKWY / DULLES GREENWAY

GENERAL PERFORMANCE CRITERIA CONSIDERATIONS:

Section 5-618(b)(3): Monopoles, General Performance Criteria. All telecommunications monopoles, whether permitted by right or permissible with the approval of a special exception application, shall be subject to the following criteria:

(a) The proposed telecommunications monopole shall be compatible with development in the vicinity with regards to the setting, color, lighting, topography, materials and architecture. In addition, the facility shall be located in the interior of the property and areas of existing vegetation, if applicable, shall be used to screen the facility.

The area in the vicinity of the site consists of predominately commercial and planned residential development uses. Applicant has located the Property which has sufficient space to place a communications facility and equipment compound. The communications facility will be located in a stand of trees between Route 267 and the eastbound ramp, so the equipment facility will be screened by existing trees. The monopole will be surrounded by an 8 foot board on board over chain link security fence as shown on the Special Exception Plat. The visual impact from the communications facility will be minimal. The proposed monopole is compatible with development in the vicinity. Since the proposed location is adjacent to a highway, the structure will be viewed primarily by those traveling north and south on Route 267 (Dulles Greenway). The nearby thoroughfare is lined with utility and light poles, so the monopole blends with the other poles in the area. The proposed monopole is in the vicinity of power poles running along Route 267. The design of the proposed monopole blends with the nearby utility and light poles.

(b) New telecommunications monopoles shall be designed to accommodate at least three (3) providers, unless:

- (i) Doing so would create an unnecessary visual impact on the surrounding area; or**
- (ii) No additional need is anticipated for any other potential user in the vicinity; or**
- (iii) There is some valid economic, technological, or physical justification as to why co-location is not possible.**

The applicant shall identify the conditions under which future co-location is not possible.

The proposed 150' monopole (155' with lightning rod and appurtenances) will accommodate T-Mobile at a proposed mounting height of 150' with twelve (12) panel antennas. Each panel antenna is 59" high, 11.9" wide and 6.3" deep. Clearwire will install at a proposed mounting height of 140' with three (3) panel antennas. Each panel antenna is 42" high, 12" wide and 4.5" deep. Additionally, Clearwire will install three (3) microwave dishes not to exceed 2' in diameter.

A proposed 100' x 60' compound will be provided at the base of the monopole, to be surrounded by an eight (8) foot tall board on board over chain like fence. T-Mobile will install a 10' x 20' concrete pad within the enclosed compound, with three (3) equipment cabinets installed on the concrete pad. Each equipment cabinet will measure 63.5" tall by 31.25" wide by 37" deep. Clearwire will install a 7' x 7' concrete pad within the enclosed compound with two (2) equipment cabinets installed on the concrete pad.

The proposed facility will be designed to provide for at least five (5) additional wireless providers. The proposed facility will be unmanned and will operate around the clock, 365 days per year. Routine maintenance will occur once or twice per month, performed by a service technician driving a standard sized vehicle.

Applicant will market remaining mounting heights to all interested wireless providers. All interested wireless providers will install under the conditions set forth by the granting of the Special Exception and the documented drawings submitted as part of this application.

(c) The height of such monopole, including antennas, shall not exceed 199 feet, as measured from the natural ground elevation.

The proposed monopole will be 150' (155' with lightning rod and appurtenances).

(d) Satellite and microwave dishes attached to monopoles shall not exceed two (2) feet in diameter.

Clearwire will install at a mounting height of 140' with three (3) microwave dishes not to exceed 2' in diameter.

(e) Except as provided in Section 5-618(B)(3)(o), and Section 5-618(B)(4)(d), telecommunications monopoles shall not be located any closer than one (1) foot for every five (5) feet in height to any property line. Structures and building may be constructed within the setback areas of the monopole, provided other zoning standards are met.

The compound facility and fence are setback from the nearest property line by at least twenty eight feet (28') in conformance with the zoning ordinance requirements. To the North East 360'; to the South West 129', to the North West 681', and to the South East 1085'

(f) The related unmanned structure(s) shall not contain more than 500 square feet of total gross floor area per telecommunications provider on each site. Structures shall not exceed 12 feet in height.

Each equipment shelter will have no more than 500 square feet of gross floor area and will not exceed 12 feet in height.

T-Mobile will install a 10' x 20' concrete pad within the enclosed compound, with three (3) equipment cabinets installed on the concrete pad. Each equipment cabinet will measure 63.5" tall by 31.25" wide by 37" deep.

Clearwire will install a 7' x 7' concrete pad within the enclosed compound with two (2) equipment cabinets installed on the concrete pad. Each equipment cabinet will measure a maximum of 50" tall by 20" wide by 22" deep.

Space for additional five (5) wireless providers will be provided inside of proposed compound area.

(g) Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, monopoles shall blend with the background.

The design of the proposed monopole blends with the nearby utility and light poles. The proposed monopole, panel antennas, dishes, and related equipment cabinets will all be within the size and height limitations specified in the ordinance. The equipment structures and cabinets will be finished in neutral, non-reflective materials, and they will be completely screened by a fence and vegetative buffer. There will be no commercial advertising on the Site.

(h) No signals or lights or illumination shall be permitted on the monopole, unless required by the Federal Communications Commission, the Federal Aviation Administration, State or Federal Authorities, or the County.

Lighting is not required by the Federal Communication Commission (FCC), the Federal Aviation Administration (FAA), State or Federal authorities, or the County. No signals, lights, or illumination shall be located on the existing structure.

(i) No commercial advertising or signs shall be allowed on a monopole.

No commercial advertising or signs shall be located on the existing monopole.

(j) A commission permit shall be required.

A commission permit has been submitted to be processed concurrently with this Special Exception Application.

(k) No monopole shall be located within a County designated historic district.

According to the Section 106 report, dated August 23, 2009, and attached as part of this submittal, no properties are listed in the historic district. Additionally, no properties will be affected by the proposed installation.

(l) No monopole shall be located within a PD-H or PD-RV zoning district except as provided in Section 5-618(B)(1)(a) and Section 5-618(B)(2)(d).

The subject parcel is multi-zoned, the portion of the subject parcel in the vicinity of the proposed site is zoned PDH3. In accordance with Section 5-618(B)(2)(d), a Special Exception from the Board of Supervisors is required in to order to construct and operate "telecommunication facilities" within the right of way of a private toll road.

(m) All unused equipment and facilities from a commercial public telecommunications site shall be removed within 90 days of cessation of commercial public telecommunication use and shall be restored as closely as possible to its original location.

Applicant will remove the monopole and equipment and restore the site as closely as possible to its original condition within 90 days of cessation of its use as a telecommunications facility.

(n) Applicants for any public telecommunications facility shall demonstrate that they have complied with applicable regulations of the FCC and FAA. A finding from the FAA that the proposed facility is not a hazard or obstruction to aviation is necessary prior to issuance of a zoning permit. If a proposed telecommunications facility is higher than 199 feet or within five (5) miles of the property boundary of either Dulles or Leesburg Airports, the applicant shall provide verification that: 1) the appropriate airport authority (Metropolitan Washington Airports Authority or the Town of Leesburg) has been notified in writing; and 2) the FAA has determined that the proposed facility is neither a hazard nor an obstruction to aviation.

The proposed monopole will be in compliance with all regulations regarding aviation safety. Attached in the original submittal, is an FAA determination letter for the proposed structure, dated May 11, 2009. The letter states that an FAA determination of no aviation hazard has been made.

(o) When locating on a Loudoun County or Loudoun County Sanitation Authority site or fire and/or rescue company site: 1) the telecommunications equipment shall not interfere with the existing telecommunications equipment of the primary use; and 2) the setback provisions of Section 5-618(B)(3)(e) shall not apply. In addition, the landscaping/buffering provisions of the Ordinance may be reduced or waived if the site has been developed in accordance with Section 5-1409(G).

Not applicable.

(p) Applicants proposing a new telecommunications monopole within one (1) mile of a County designated historic district or a Virginia Byway shall submit a minimum of three (3) visual simulations and written justification as to why the monopole could not be sited elsewhere. This requirement shall also be applied if a telecommunications monopole is proposed on a property listed on the National Register of Historic Places.

Not located within one (1) mile of County Historic District or Virginia Byway.

(q) Telecommunications monopoles shall not be located along ridge lines, but downslope from the top of ridge lines, to protect views of the Catoctin, Bull Run, Hogback, Short Hill, and Blue Ridge Mountains.

Please refer to the Special Exception Plat submitted as part of this application. The proposed monopole will not be located along any ridge lines.

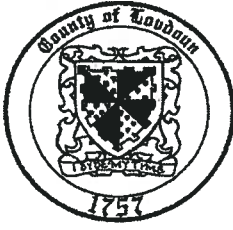
(r) Applicants shall submit documentation, in written and graphic form, regarding the service area to be provided by the proposed telecommunications monopole.

The proposed facility is necessary to cover gaps in service in the vicinity of and around portions of Route 267 and the general area surrounding the Property. As more specifically shown on the propagation maps submitted as part of this application, the wireless providers proposing to use this communications facility need additional coverage in this area.

OTHER CONSIDERATIONS RELEVANT TO THE PROPOSED FACILITY AND THE REQUESTED
SPECIAL EXCEPTION

Consideration of Section 6-1310: Special Exception, Issues for Consideration
EXIT 5: BROADLAND @ CLAIBORNE PKWY / DULLES GREENWAY

- A. The proposed use is in keeping with the County's Comprehensive Plan. There are no other structures that exceed 50 feet in height within a 2 mile radius of the proposed project. This Application is for a monopole structure which is the structure type preferred by the County. The monopole will only be lit if mandated by the FAA or other governmental authorities having jurisdiction.
- B. The proposed facility adequately provides for safety from fire hazards and has effective measures of fire control for unmanned telecommunication facilities.
- C. There would be no noise emitted from the facility making no impact on the noise level of the surrounding facility.
- D. The monopole, antennae and equipment would not generate any light.
- E. The proposed use does not conflict with the existing adjacent uses as the parcels directly adjacent to the proposed site are being used primarily for commercial/industrial purposes and some residential. The proposed installation would provide private and public emergency wireless telephone coverage.
- F. The existing mature woods in the proposed location exceed the intent of the required Type 3 or 4 landscape buffer the Ordinance requires.
- G. The proposed monopole would cause no loss of topography or physical, natural, scenic, archaeological or historic feature of significance.
- H. The proposed monopole would not affect existing animal habitat, vegetation, water quality or air quality.
- I. The proposed monopole would provide benefit to, contribute to, and promote the welfare and convenience of the public by significantly improving wireless communications. The proposed monopole would enhance police, fire, and rescue services by providing additional wireless telephone and broadband coverage to the surrounding area. The monopole would also benefit the public through enhanced business and personal communications.
- J. The amount of traffic generated by the monopole is minimal and thus the existing infrastructure will adequately serve the monopole with no affect on safety to the community.
- K. The facility would be designed to meet all local and state building codes.
- L. The facility would only require electric power and telephone service, which is already available at the site.
- M. The facility would have no impact on groundwater.
- N. The site would be designed to comply with the structural capacity of the soils.
- O. The proposed use would have no impact on orderly and safe road development and transportation as the site is located sufficiently distant from any existing or planned road expansion.
- P. The project would facilitate enhanced personal and business communications making Loudoun County a more desirable location to work and live.
- Q. The site is designed to accommodate future wireless communication technology needs so as to support changes in agriculture, industry and business.
- R. There is adequate off site infrastructure for the electric and land-line telephone needs of the project.
- S. The site will generate no odors.
- T. Due to the location of the site, the construction of the project will not significantly increase the affect on residents and no schools will be impacted.



Loudoun County, Virginia

Department of Planning
1 Harrison Street, S.E., 3rd Floor, P.O. Box 7000, MSC #62
Leesburg, VA 20177-7000
Telephone (703) 777-0246 • Fax (703) 777-0441

September 29, 2009

Mr. Edward L. Donohue
Donohue & Blue PLC
801 North Fairfax Street, Suite 209
Alexandria, VA 22314

**RE: Checklist Waiver
SPEX 2009-0030 & CMPT 2009-0009
CWS Exit 5 – Claiborne Parkway**

Dear Ed:

In response to your letter dated August 24, 2009, the Director has agreed to the following Checklist waivers:

1. K.5.a & b Phase I Archaeological Survey
2. K.12.a, b, c, and d. Tree inventory, Endangered Species Habitat.

The request to waive these requirements is based upon your explanation and the evidence that the site was graded when constructing the Greenway. Please note that a waiver regarding the landscape buffer requirements should be requested through the Department of Building and Development, Zoning Division.

This letter does not preclude staff from requesting such information during the review process if it is deemed necessary. Furthermore, this waiver is granted solely for the purposed Special Exception.

Sincerely,

Ginni Van Horn
Land Use Review Planner

cc: John Merrithew, Assistant Director, Department of Planning

Community Wireless Structures

August 24, 2009

Department of Building and Development
Loudoun County Government
1 Harrison Street, 3rd Floor
Leesburg, VA 20175

Re: Request for Waivers
Exit 5: Broadland (Eastbound ramp of Dulles Greenway @ Claiborne Parkway)

Dear County Staff:

On behalf of the Applicant, Community Wireless Structures LLC (CWS), please accept this request for certain waivers in connection with the special exception application submitted to allow the installation of a new telecommunications facility. Specifically, the Applicant requests waivers from the following:

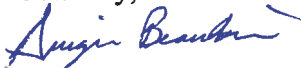
1. Requirement for archeological survey;
2. Location and general description of vegetation and tree cover; and
3. Requirements for endangered species habitat.

The site will be located in the right-of-way of the Dulles Greenway toll road. The compound will be located immediately adjacent to the road. There were no archeological features that were discovered during review and approval of the Greenway road. Likewise there were no endangered species habitats and the vegetation and tree cover were reviewed at that time.

Respectfully, we request a waiver of the Section 5-1400 landscape buffer requirements mandated by the Revised 1993 Ordinance and ask that the Board of Supervisors grant a waiver of the requirements as part of this Special Exception application.

Please let me know if you have any questions, or need additional information.

Sincerely,



Ginger Beaudoin



Community Wireless Structures

August 24, 2009

Department of Building and Development
Loudoun County Government
1 Harrison Street, 3rd Floor
Leesburg, VA 20175

Re: Request for Waiver of Landscape Buffer Requirements
Exit 5: Broadland (Eastbound ramp of Dulles Greenway @ Claiborne Parkway)

Dear County Staff:

On behalf of the applicant, Community Wireless Structures LLC (CWS), please accept this request for a waiver of the landscape buffer requirements in connection with the above SPEX application pursuant to Section 5-1403(C) of the Revised 1993 Loudoun County Zoning Ordinance ("Ordinance"). The Ordinance allows for the Board of Supervisors or the Board of Zoning Appeals to modify the requirements of this section (Buffering and Screening) as part of an approval action of a special exception.

Specifically, the Applicant requests a waiver of the type 3/4 landscape buffer requirements on the proposed site identified above. The proposed site is zoned AR-1, JLMA-20, PDGI, PDH3, PDH4, PDIP, PDOP, PDTRC, R-1, R-16, Town and TR-10 and is subject to review under the regulations of the Revised 1993 Loudoun County Zoning Ordinance.


Based on the current Ordinance, such a Special Exception requires the installation of a landscape buffer, as defined in Section 5-1400. The basis for this request is that the proposed tower site will be substantially buffered by mature trees that surround the periphery of the proposed site, as illustrated by the enclosed photographs. The existing treeline is approximately 50 to 70 feet in height & will entirely screen the base of the tower and fenced area, while substantially screening the remainder of the tower in many directions. On the basis of the significant natural screening of this proposed site, it appears that there would be little, if anything, to be gained by removing the existing mature trees to install the required type 3 & 4 Landscape Buffers at this particular site.

In addition, the topography of the site is such that the tower is predominantly screened from view except from portions of the Dulles Greenway.

Respectfully, we request a waiver of the Section 5-1400 landscape buffer requirements mandated by the Revised 1993 Ordinance and ask that the Board of Supervisors grant a waiver of the requirements as part of this Special Exception application.

Please let me know if you have any questions, or need additional information.

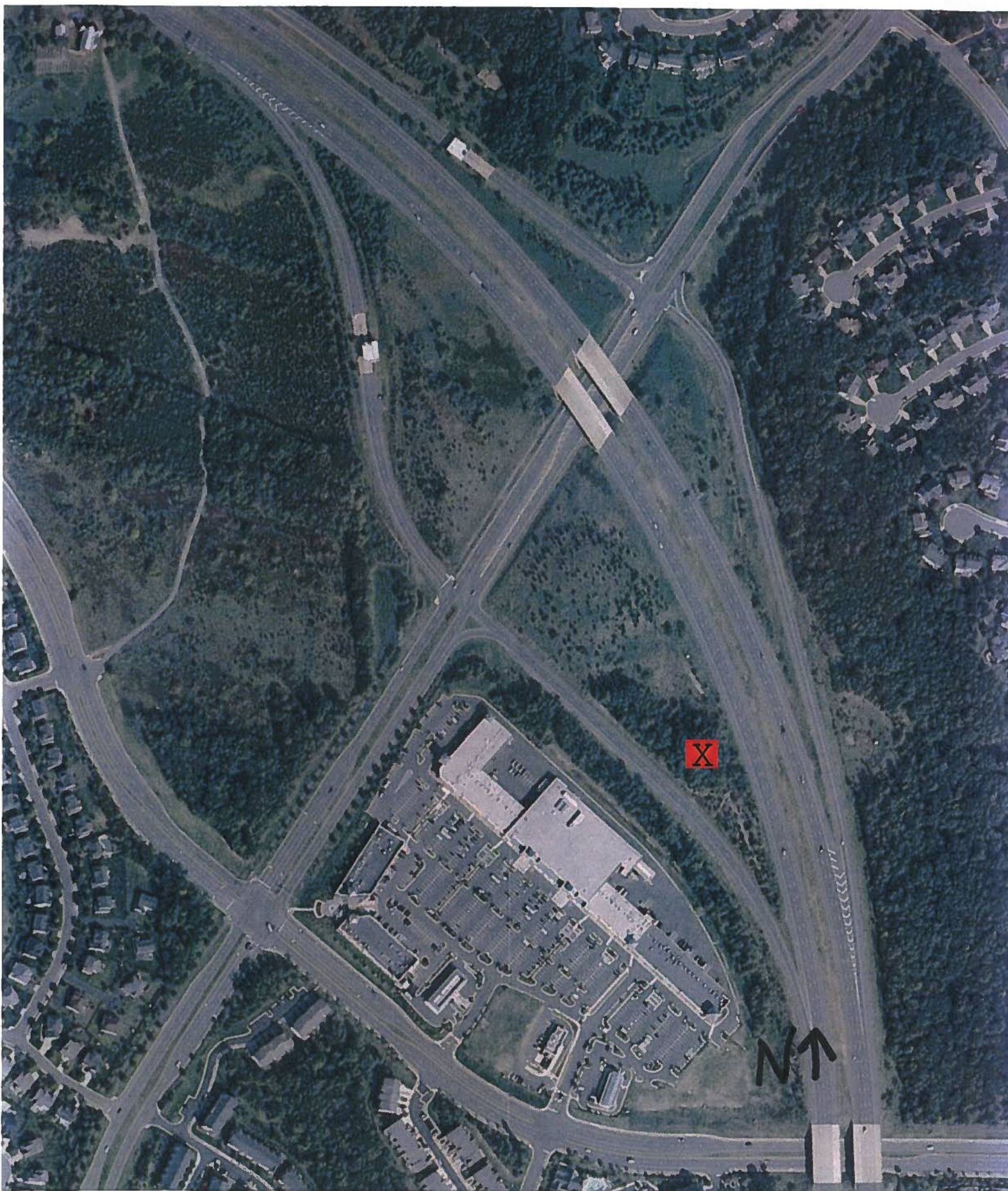
Sincerely,



Ginger Beaudoin



2800 SHIRLINGTON ROAD, SUITE 960 • ARLINGTON, VIRGINIA • 22206
PHONE: 703-845-1971 • FAX: 703-845-1953

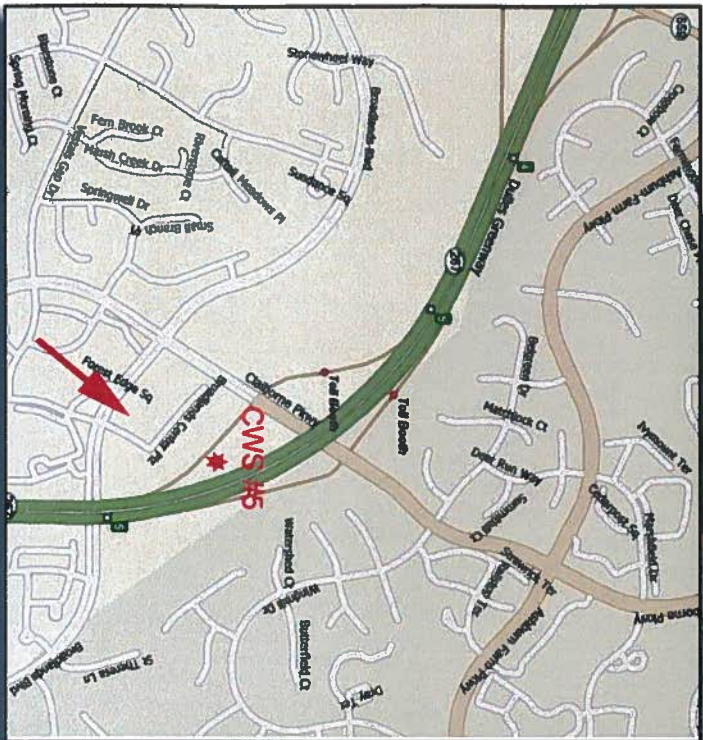






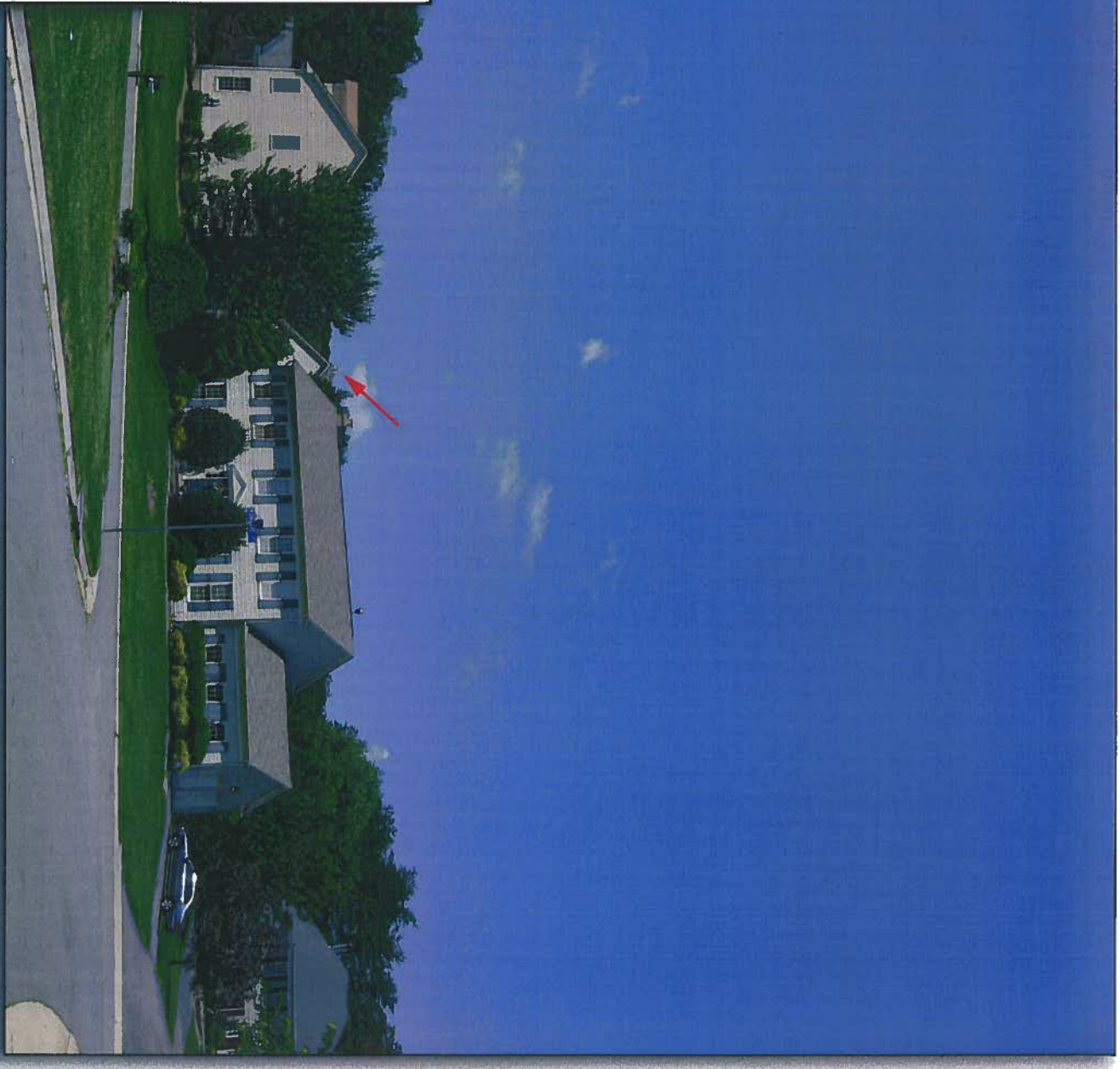
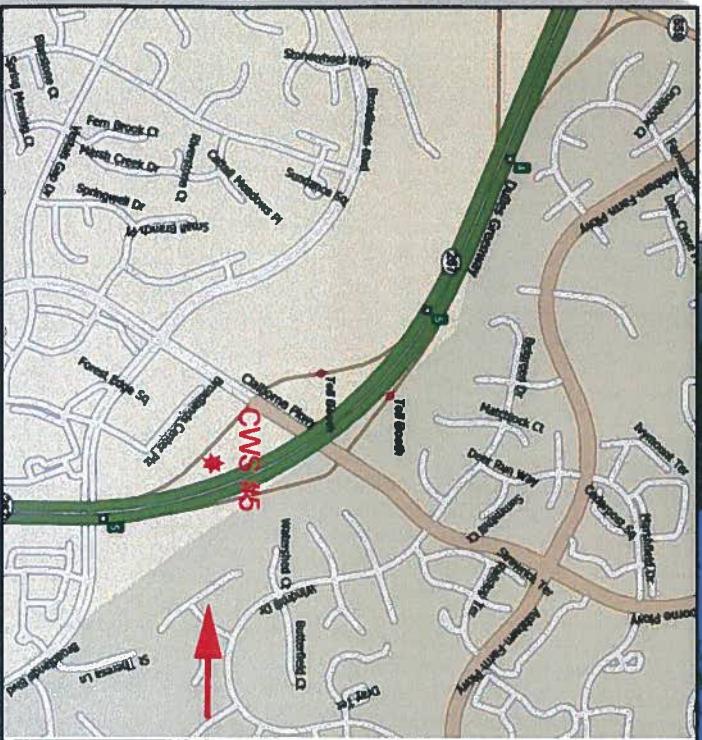
**CWS - Site Number 5
Broadland Tower
Monopole - 150 Feet**





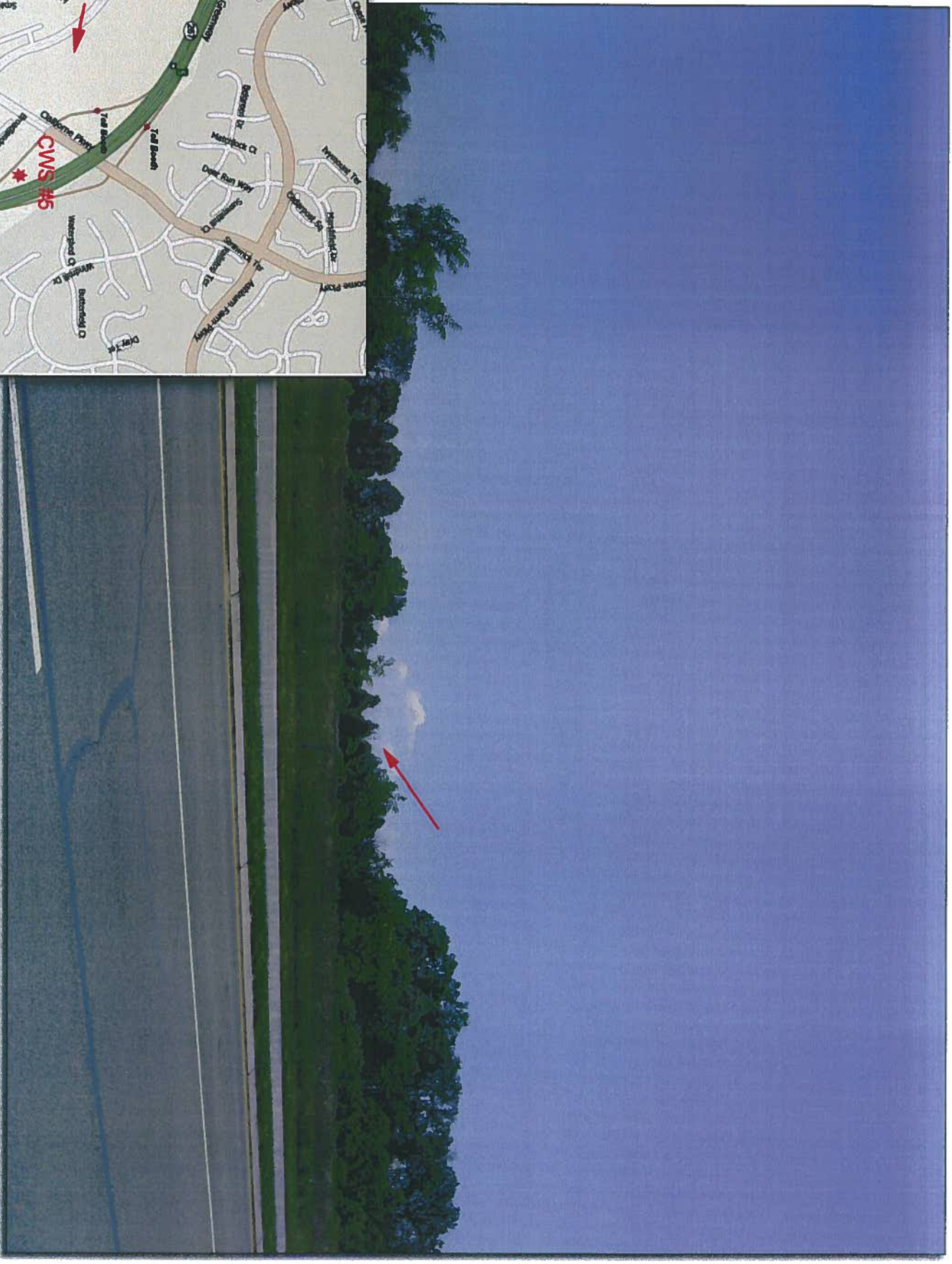
CWS - Site Number 5
Broadland Tower
Monopole - 150 Feet



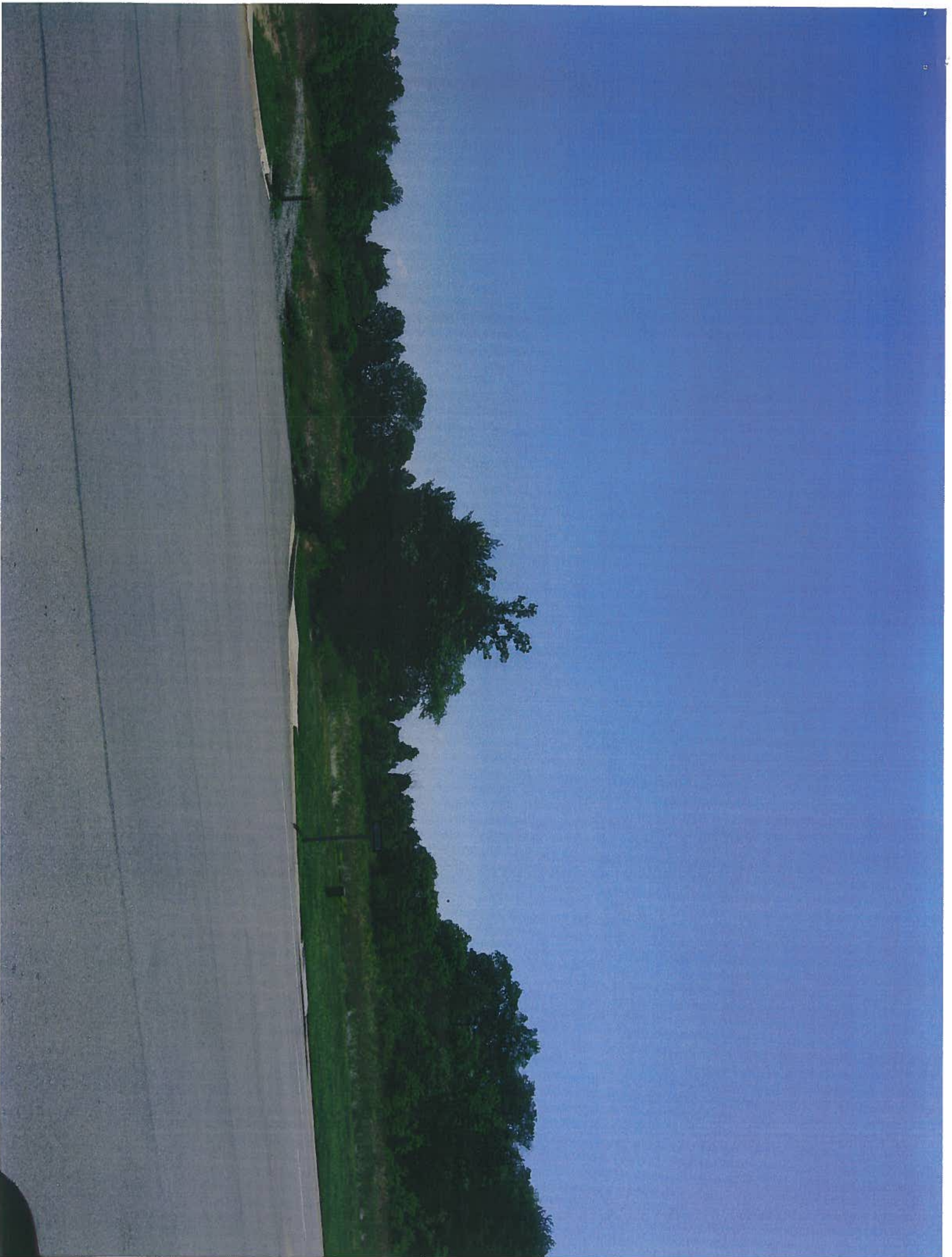


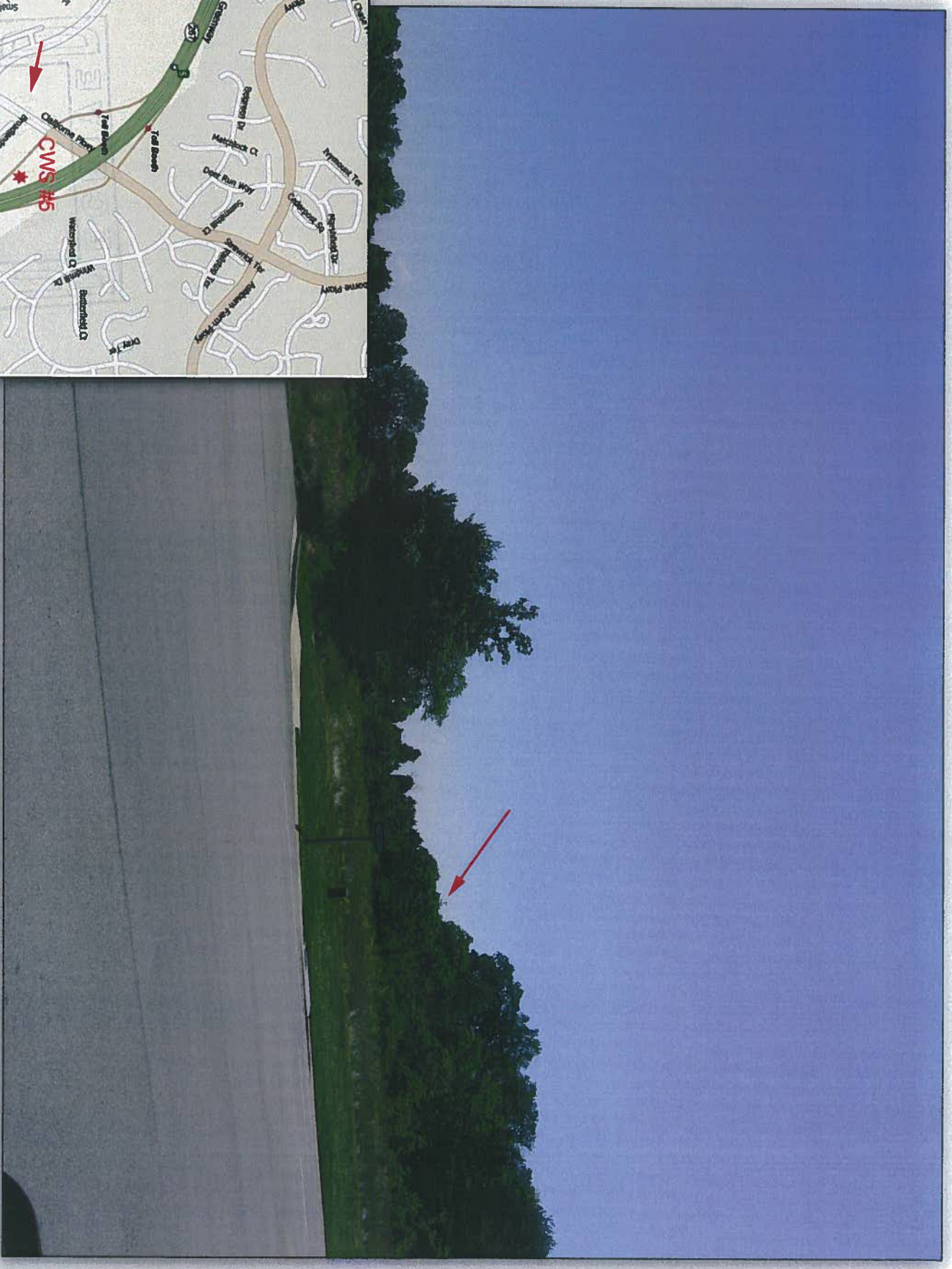
CWS - Site Number 5
Broadland Tower
Monopole - 150 Feet



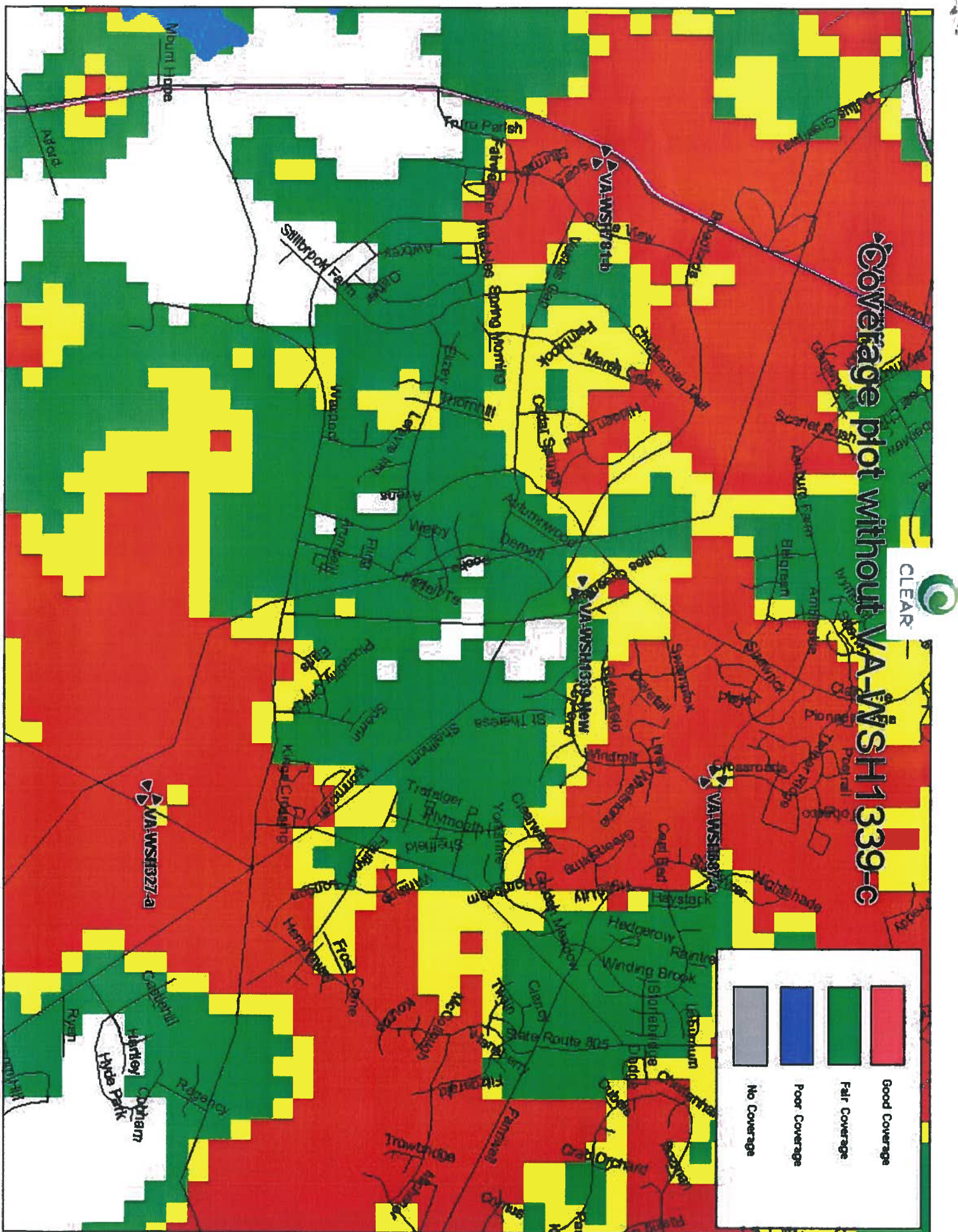


CWS - Site Number 5
Broadland Tower
One Monopole - 150 Feet



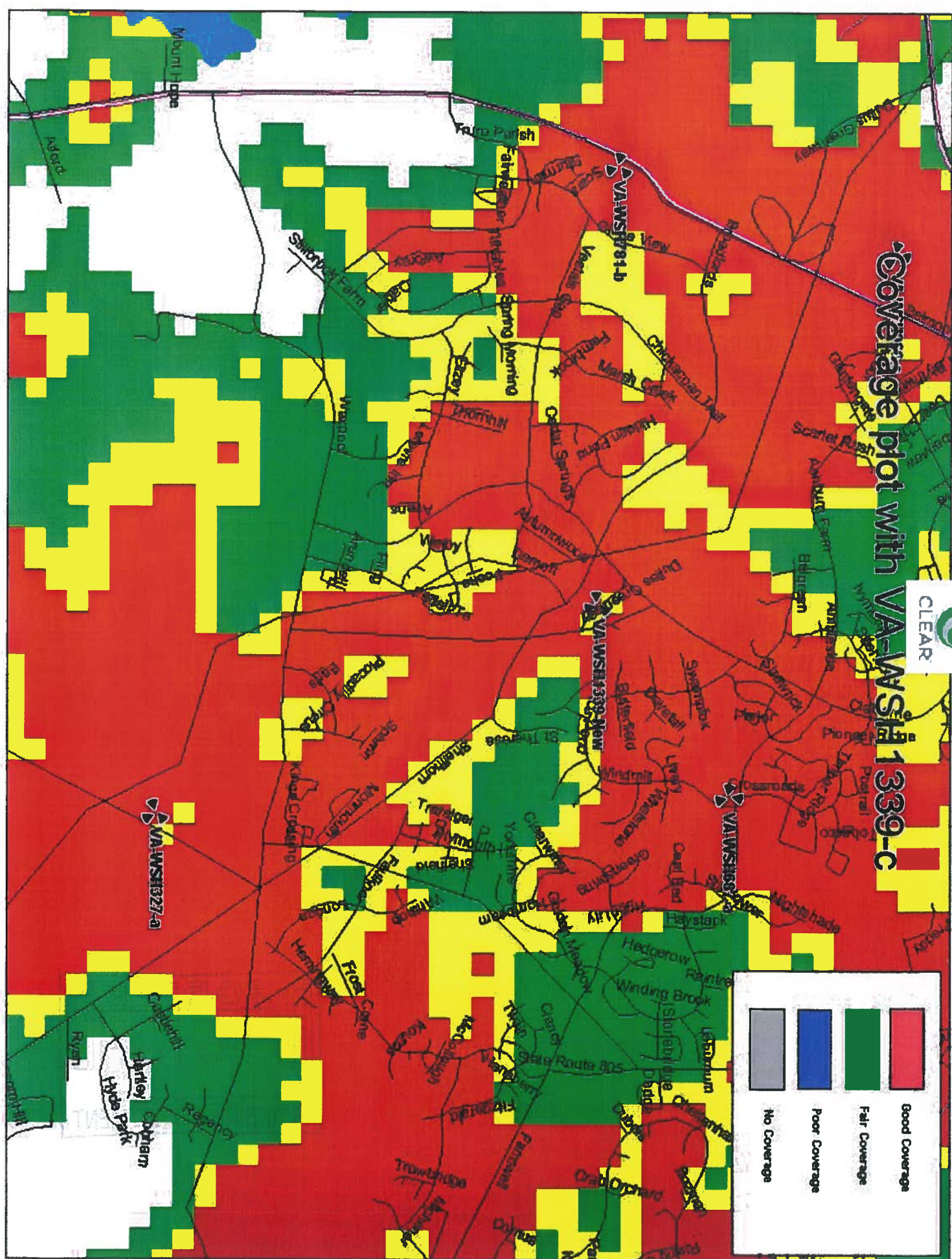
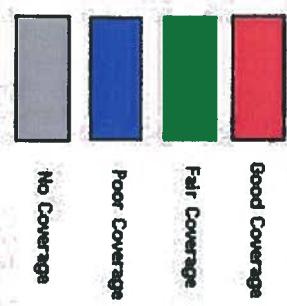


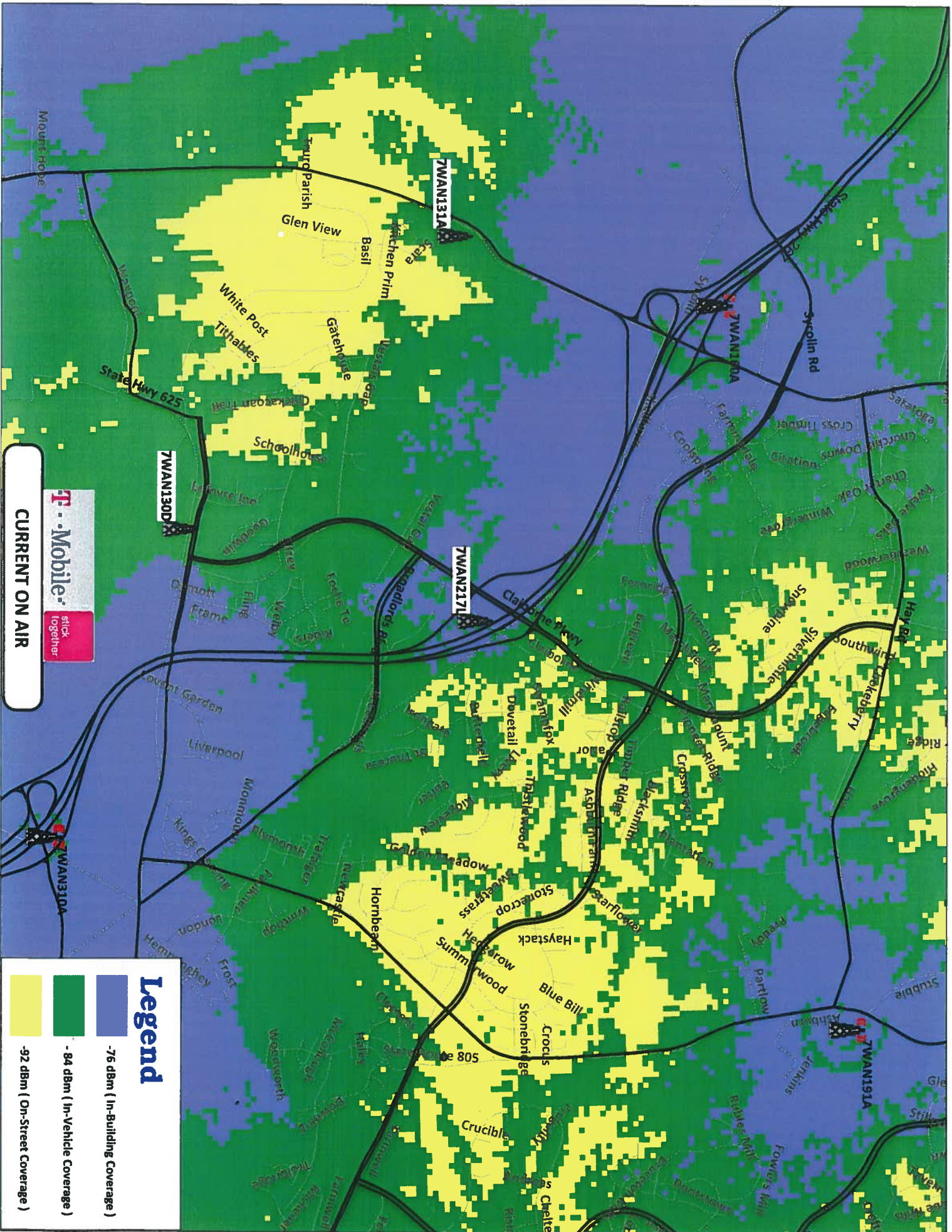
**CWS - Site Number 5
Broadland Tower
Monopole - 150 Feet**





Coverage plot with VA-WSH#1339-C







stick together

CURRENT ON AIR



-92 dBm (On-Street Coverage)



-84 dBm (In-Vehicle Coverage)



-76 dBm (In-Building Coverage)

Legend



4400 Carillon Point
Kirkland, WA 98033

p: 425-216-7600

f: 425-216-7900

www.clear.com

August 25, 2009

Community Wireless Structures, LLC
c/o Thomas A. Murray
2800 Shirlington Road, Suite 960
Arlington, VA 22206



Re: Clear Wireless, LLC's proposal for antennas and equipment at
CWS 5: Broadland
Dulles Greenway
Exit 5 Eastbound ramp near the intersection of Claiborne Pkwy & Dulles Greenway
Ashburn, VA 20148

Dear Mr. Murray:

Clear Wireless, LLC seeks to improve its wireless telecommunications network in Loudoun County. As previously discussed Clear Wireless, LLC engineers identified the Toll Road Investors Partnership II, LP's property as a candidate for locating an antenna site near Exit 5 of the Dulles Greenway. Clear Wireless, LLC is interested in and motivated to finalize an arrangement that will allow it to install a wireless communications facility at this property.

1. Licensed Space: Owner shall grant to Clear Wireless, LLC a license to use the following described areas for the duration of the term of the Agreement:
 - a) Equipment Space: Clear Wireless, LLC shall have the right to use a 7' X 7' square foot portion of the proposed compound; this area will house wireless communications equipment.
 - b) Antenna Space: Clear Wireless, LLC shall have the right to install up to Three (3) panel antennas, Three (3) microwave dishes and Three (3) Tower BTS on the proposed tower at a mounting height of one hundred forty feet (140') including Six (6) 1 and 5/8 inch, (6) 5/16 inch, and Six (6) 1/2 inch coax lines.
 - c) Accessory Space: Clear Wireless, LLC shall have the right to install wires, cables, conduits and other ancillary and complimentary devices by, through and between the Equipment Space and the Antenna Space and the source of telephone and electric utility service.

Should you have any questions, please do not hesitate to contact me 571-490-8612. Thank you for your assistance with this matter.


Clear Wireless, LLC Authorized Signatory

Please be advised that this is not contractually binding on the parties. This letter is only an expression of the basic terms and conditions to be incorporated in a formal written agreement. The parties shall not be contractually bound unless and until they execute a formal lease, which must be in the form and content satisfactory to each party in their sole discretion. Neither party may rely on this letter as creating any legal obligation of any kind.



September 22, 2009

Community Wireless Structures, LLC
c/o Thomas A. Murray
2800 Shirlington Road, Suite 960
Arlington, VA 22206

Re: T-Mobile's proposal for antennas and equipment at
CWS 5: Broadland
Dulles Greenway
Exit 5 Eastbound ramp near the intersection of Claiborne Pkwy & Dulles Greenway
Louisa, VA 23093

Dear Mr. Murray:

T-Mobile seeks to improve its wireless telecommunications network in Loudoun County. As previously discussed T-Mobile engineers identified the Toll Road Investors Partnership II, LP's property as a candidate for locating an antenna site near Exit 5 of the Dulles Greenway. T-Mobile is interested in and motivated to finalize an arrangement that will allow it to install a wireless communications facility at this property.

1. Licensed Space: Owner shall grant to T-Mobile a license to use the following described areas for the duration of the term of the Agreement:
 - a) Equipment Space: T-Mobile shall have the right to use a 12' X 20' square foot portion of the proposed compound; this area will house wireless communications equipment.
 - b) Antenna Space: T-Mobile shall have the right to install up to Nine (9) panel antennas on the proposed tower at a mounting height of one hundred fifty feet (150') including Eighteen (18) 1 and 5/8 inch coax lines.
 - c) Accessory Space: T-Mobile shall have the right to install wires, cables, conduits and other ancillary and complimentary devices by, through and between the Equipment Space and the Antenna Space and the source of telephone and electric utility service.

Should you have any questions, please do not hesitate to contact me 240-264-8606. Thank you for your assistance with this matter.

A handwritten signature in black ink, appearing to be 'J. C.', written over a horizontal line.

T-Mobile Authorized Signatory

Please be advised that this is not contractually binding on the parties. This letter is only an expression of the basic terms and conditions to be incorporated in a formal written agreement. The parties shall not be contractually bound unless and until they execute a formal lease, which must be in the form and content satisfactory to each party in their sole discretion. Neither party may rely on this letter as creating any legal obligation of any kind.

Office: 240-264-8606
Fax: 240-264-8610
12000 Baltimore Avenue
Baltimore, MD 21075

FCC Form 620

FCC Wireless Telecommunications Bureau

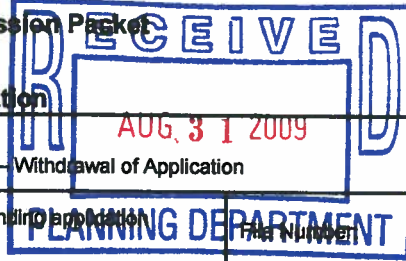
Approved by OMB
3060 – 1039Notification Date: **7AM EST 07/31/2009**

New Tower ("NT") Submission Packet

File Number: **0003917334**See instructions for
public burden estimates

General Information

1) (Select only one) (NE) NE – New	UA – Update of Application	WD – Withdrawal of Application
2) If this application is for an Update or Withdrawal, enter the file number of the pending application currently on file.		



Applicant Information

3) FCC Registration Number (FRN): 0006151898
4) Name: Proposed Broadlands Tower Site @ Exit 5 Dulles Greenway Community Wireless Structures, Inc. 2800 Shirlington Road, Suite 960 Arlington, Virginia 22206

Contact Name

5) First Name: Thomas	6) MI: A	7) Last Name: Murray	8) Suffix:
9) Title: Owner			

Contact Information

10) P.O. Box:	And /Or	11) Street Address: 2800 Shirlington Road Suite 960
12) City: Arlington	13) State: VA	14) Zip Code: 22206
15) Telephone Number: (703)845-1971	16) Fax Number: (703)845-1953	
17) E-mail Address: baxterconsultantsinc@gmail.com		

Consultant Information

18) FCC Registration Number (FRN): 0013361837
19) Name: Baxter Consultants

Principal Investigator

20) First Name: Amanda	21) MI: J	22) Last Name: Baxter	23) Suffix:
24) Title: President			

Principal Investigator Contact Information

25) P.O. Box:	And /Or	26) Street Address: 42917 Spyder Place
27) City: South Riding	28) State: VA	29) Zip Code: 20152
30) Telephone Number: (703)403-1655	31) Fax Number: (209)353-0602	
32) E-mail Address: baxterconsultantsinc@gmail.com		

Professional Qualification

33) Does the Principal Investigator satisfy the Secretary of the Interior's Professional Qualification Standards?	() <u>Yes</u> (X) <u>No</u>
34) Areas of Professional Qualification: () Archaeologist () Architectural Historian () Historian () Architect (X) Other (Specify) <u>NEPA Specialist</u>	

Additional Staff

35) Are there other staff involved who meet the Professional Qualification Standards of the Secretary of the Interior?	(X) <u>Yes</u> () <u>No</u>
--	---------------------------------------

If "YES," complete the following:

36) First Name: Kerri	37) MI:	38) Last Name: Barile	39) Suffix: PhD
40) Title: President-Dovetail Cultural Resource			
41) Areas of Professional Qualification: (X) Archaeologist (X) Architectural Historian (X) Historian () Architect (X) Other (Specify) <u>Meets or Exceeds SOI standards</u>			

Site Information

Tower Construction Notification System

1) TCNS Notification Number: **54219**

Site Information

2) Site Name: **CWS Broadlands**

3) Site Address: **exit 5 eastbound onto Dulles Greenway**

4) City: **Broadlands**

5) State: **VA**

6) Zip Code: **20147**

7) County/Borough/Parish: **LOUDOUN**

8) Nearest Crossroads: **Clalborne Parkway**

9) NAD 83 Latitude (DD-MM-SS.S): **39-01-39.2**

(☒) N or () S

10) NAD 83 Longitude (DD-MM-SS.S): **077-30-26.3**

() E or (☒) W

Tower Information

11) Tower height above ground level (include top-mounted attachments such as lightning rods): **47.2** () Feet (☒) Meters

12) Tower Type (Select One):

() Guyed lattice tower

() Self-supporting lattice

(☒) Monopole

() Other (Describe):

Project Status

13) Current Project Status (Select One):

(☒) Construction has not yet commenced

() Construction has commenced, but is not completed

Construction commenced on: _____

() Construction has been completed

Construction commenced on: _____

Construction completed on: _____

Determination of Effect

14) Direct Effects (Select One):

- ☐ No Historic Properties in Area of Potential Effects (APE)
- ☒ No Effect on Historic Properties in APE
- ☐ No Adverse Effect on Historic Properties in APE
- ☐ Adverse Effect on one or more Historic Properties in APE

15) Visual Effects (Select One):

- ☐ No Historic Properties in Area of Potential Effects (APE)
- ☒ No Effect on Historic Properties in APE
- ☐ No Adverse Effect on Historic Properties in APE
- ☐ Adverse Effect on one or more Historic Properties in APE

Tribal/NHO Involvement

1) Have Indian Tribes or Native Hawaiian Organizations (NHOs) been identified that may attach religious and cultural significance to historic properties which may be affected by the undertaking within the APEs for direct and visual effects?		(<input checked="" type="checkbox"/>) Yes (<input type="checkbox"/>) No
2a) Tribes/NHOs contacted through TCNS Notification Number: <u>54219</u>		Number of Tribes/NHOs: <u>3</u>
2b) Tribes/NHOs contacted through an alternate system:		Number of Tribes/NHOs: <u>0</u>

Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: Catawba Indian Nation Cultural Preservation Project

Contact Name

5) First Name: Dr. Wenonah	6) MI: G	7) Last Name: Haire	8) Suffix:
9) Title: THPO and Director			

Dates & Response

10) Date Contacted <u>07/29/2009</u>	11) Date Replied _____
(<input checked="" type="checkbox"/>) No Reply	
(<input type="checkbox"/>) Replied/No Interest	
(<input type="checkbox"/>) Replied/Have Interest	
(<input type="checkbox"/>) Replied/Other	

Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: Cherokee Nation

Contact Name

5) First Name: Richard	6) MI: L	7) Last Name: Allen	8) Suffix:
9) Title: Policy Analyst			

Dates & Response

10) Date Contacted <u>07/29/2009</u>	11) Date Replied _____
(<input checked="" type="checkbox"/>) No Reply	
(<input type="checkbox"/>) Replied/No Interest	
(<input type="checkbox"/>) Replied/Have Interest	
(<input type="checkbox"/>) Replied/Other	

Tribal/NHO Involvement

1) Have Indian Tribes or Native Hawaiian Organizations (NHOs) been identified that may attach religious and cultural significance to historic properties which may be affected by the undertaking within the APEs for direct and visual effects?		(<input checked="" type="checkbox"/>) <u>Yes</u> (<input type="checkbox"/>) <u>No</u>
2a) Tribes/NHOs contacted through TCNS Notification Number: <u>54219</u>		Number of Tribes/NHOs: <u>3</u>
2b) Tribes/NHOs contacted through an alternate system:		Number of Tribes/NHOs: <u>0</u>

Tribe/NHO Contacted Through TCNS

3) Tribe/NHO FRN:
4) Tribe/NHO Name: Eastern Shawnee Tribe of Oklahoma

Contact Name

5) First Name: Jo Ann	6) MI:	7) Last Name: Beckham	8) Suffix:
9) Title: Administrative Assistant			

Dates & Response

10) Date Contacted <u>07/29/2009</u>	11) Date Replied _____
(<input checked="" type="checkbox"/>) No Reply	
(<input type="checkbox"/>) Replied/No Interest	
(<input type="checkbox"/>) Replied/Have Interest	
(<input type="checkbox"/>) Replied/Other	

Other Tribes/NHOs Contacted

Tribe/NHO Information

1) FCC Registration Number (FRN):
2) Name:

Contact Name

3) First Name:	4) MI:	5) Last Name:	6) Suffix:
7) Title:			

Contact Information

8) P.O. Box:	And /Or	9) Street Address:		
10) City:		11) State:	12) Zip Code:	
13) Telephone Number:		14) Fax Number:		
15) E-mail Address:				
16) Preferred means of communication: <input type="checkbox"/> E-mail <input type="checkbox"/> Letter <input type="checkbox"/> Both				

Dates & Response

17) Date Contacted _____	18) Date Replied _____
<input type="checkbox"/> No Reply	
<input type="checkbox"/> Replied/No Interest	
<input type="checkbox"/> Replied/Have Interest	
<input type="checkbox"/> Replied/Other	

Historic Properties

Properties Identified

1) Have any historic properties been identified within the APEs for direct and visual effect?	(<input checked="" type="checkbox"/>) <u>Yes</u> () <u>No</u>
2) Has the identification process located archaeological materials that would be directly affected, or sites that are of cultural or religious significance to Tribes/NHOs?	() <u>Yes</u> (<input checked="" type="checkbox"/>) <u>No</u>
3) Are there more than 10 historic properties within the APEs for direct and visual effect? If "Yes", you are required to attach a Cultural Resources Report in lieu of adding the Historic Property below.	() <u>Yes</u> (<input checked="" type="checkbox"/>) <u>No</u>

Historic Property

4) Property Name: House Route 643
5) SHPO Site Number: 053-0019

Property Address

6) Street Address: Route 643		
7) City: Ashburn	8) State: VA	9) Zip Code: 20148
10) County/Borough/Parish: LOUDOUN		

Status & Eligibility

11) Is this property listed on the National Register? Source: _____	() <u>Yes</u> (<input checked="" type="checkbox"/>) <u>No</u>
12) Is this property eligible for listing on the National Register? Source: _____	() <u>Yes</u> (<input checked="" type="checkbox"/>) <u>No</u>
13) Is this property a National Historic Landmark?	() <u>Yes</u> (<input checked="" type="checkbox"/>) <u>No</u>

14) Direct Effects (Select One):

- (☒) No Effect on this Historic Property in APE
- () No Adverse Effect on this Historic Property in APE
- () Adverse Effect on this Historic Property in APE

15) Visual Effects (Select One):

- (☒) No Effect on this Historic Property in APE
- () No Adverse Effect on this Historic Property in APE
- () Adverse Effect on this Historic Property in APE

Historic Properties

Properties Identified

1) Have any historic properties been identified within the APEs for direct and visual effect?	(<input checked="" type="checkbox"/>) <u>Yes</u> () <u>No</u>
2) Has the identification process located archaeological materials that would be directly affected, or sites that are of cultural or religious significance to Tribes/NHOs?	() <u>Yes</u> (<input checked="" type="checkbox"/>) <u>No</u>
3) Are there more than 10 historic properties within the APEs for direct and visual effect? If "Yes", you are required to attach a Cultural Resources Report in lieu of adding the Historic Property below.	() <u>Yes</u> (<input checked="" type="checkbox"/>) <u>No</u>

Historic Property

4) Property Name: House Route 643
5) SHPO Site Number: 053-0020

Property Address

6) Street Address: Route 643		
7) City: Ashburn	8) State: VA	9) Zip Code: 20148
10) County/Borough/Parish: LOUDOUN		

Status & Eligibility

11) Is this property listed on the National Register? Source: _____	() <u>Yes</u> (<input checked="" type="checkbox"/>) <u>No</u>
12) Is this property eligible for listing on the National Register? Source: _____	() <u>Yes</u> (<input checked="" type="checkbox"/>) <u>No</u>
13) Is this property a National Historic Landmark?	() <u>Yes</u> (<input checked="" type="checkbox"/>) <u>No</u>

14) Direct Effects (Select One): (<input checked="" type="checkbox"/>) No Effect on this Historic Property in APE () No Adverse Effect on this Historic Property in APE () Adverse Effect on this Historic Property in APE
15) Visual Effects (Select One): (<input checked="" type="checkbox"/>) No Effect on this Historic Property in APE () No Adverse Effect on this Historic Property in APE () Adverse Effect on this Historic Property in APE

Historic Properties

Properties Identified

1) Have any historic properties been identified within the APEs for direct and visual effect?	(<input checked="" type="checkbox"/>) <u>Yes</u> () <u>No</u>
2) Has the identification process located archaeological materials that would be directly affected, or sites that are of cultural or religious significance to Tribes/NHOs?	() <u>Yes</u> (<input checked="" type="checkbox"/>) <u>No</u>
3) Are there more than 10 historic properties within the APEs for direct and visual effect? If "Yes", you are required to attach a Cultural Resources Report in lieu of adding the Historic Property below.	() <u>Yes</u> (<input checked="" type="checkbox"/>) <u>No</u>

Historic Property

4) Property Name: Ashburn Farm/William Stewart House
5) SHPO Site Number: 053-0671

Property Address

6) Street Address: Ashburn Farm Parkway		
7) City: Ashburn	8) State: VA	9) Zip Code: 20148
10) County/Borough/Parish: LOUDOUN		

Status & Eligibility

11) Is this property listed on the National Register? Source: _____	() <u>Yes</u> (<input checked="" type="checkbox"/>) <u>No</u>
12) Is this property eligible for listing on the National Register? Source: _____	() <u>Yes</u> (<input checked="" type="checkbox"/>) <u>No</u>
13) Is this property a National Historic Landmark?	() <u>Yes</u> (<input checked="" type="checkbox"/>) <u>No</u>

14) Direct Effects (Select One): (<input checked="" type="checkbox"/>) No Effect on this Historic Property in APE () No Adverse Effect on this Historic Property in APE () Adverse Effect on this Historic Property in APE
15) Visual Effects (Select One): (<input checked="" type="checkbox"/>) No Effect on this Historic Property in APE () No Adverse Effect on this Historic Property in APE () Adverse Effect on this Historic Property in APE

Local Government Involvement

Local Government Agency

1) FCC Registration Number (FRN):
2) Name: Loudoun County Department of Planning

Contact Name

3) First Name: Van	4) MI:	5) Last Name: Armstrong	6) Suffix:
7) Title: Planner			

Contact Information

8) P.O. Box:	And /Or	9) Street Address: 1 Harrison Street SE 3rd Floor, Mailstop 62	
10) City: Leesburg		11) State: VA	12) Zip Code: 20175
13) Telephone Number: (703)777-0246		14) Fax Number: (703)777-0421	
15) E-mail Address: dop@loudoun.gov			
16) Preferred means of communication: () E-mail () Letter (X) Both			

Dates & Response

17) Date Contacted 07/27/2009	18) Date Replied _____
(X) No Reply	
() Replied/No Interest	
() Replied/Have Interest	
() Replied/Other	

Additional Information

19) Information on local government's role or interest (optional): Request for Formal Pre-Application Meeting

Other Consulting Parties

Other Consulting Parties Contacted

1) Has any other agency been contacted and invited to become a consulting party?	() Yes (X) No
--	----------------------------

Consulting Party

2) FCC Registration Number (FRN):
3) Name:

Contact Name

4) First Name:	5) MI:	6) Last Name:	7) Suffix:
8) Title:			

Contact Information

9) P.O. Box:	And /Or	10) Street Address:
11) City:	12) State:	13) Zip Code:
14) Telephone Number:	15) Fax Number:	
16) E-mail Address:		
17) Preferred means of communication: () E-mail () Letter () Both		

Dates & Response

18) Date Contacted _____	19) Date Replied _____
() No Reply	
() Replied/No Interest	
() Replied/Have Interest	
() Replied/Other	

Additional Information

20) Information on other consulting parties' role or interest (optional):

Designation of SHPO/THPO

1) Designate the Lead State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO) based on the location of the tower.

SHPO/THPO

Name: Virginia Department of Historic Resources (Manager - Office of Review & Compliance)

2) You may also designate up to three additional SHPOs/THPOs if the APEs include multiple states. If the APEs include other countries, enter the name of the National Historic Preservation Agency and any state and provincial Historic Preservation Agency.

SHPO/THPO Name: _____

SHPO/THPO Name: _____

SHPO/THPO Name: _____

Certification

I certify that all representations on this FCC Form 620 Submission Packet and the accompanying attachments are true, correct, and complete.

Party Authorized to Sign

First Name: **Amanda**

MI: **J**

Last Name: **Baxter**

Suffix: _____

Signature: **Amanda J Baxter**

Date: **07/30/2009**

FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, Section 1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).

Attachments :

Type	Description	Date Entered
Public Involvement	Leesburg Today AD	07/29/2009
Maps	Lease Exhibits	07/29/2009
Resumes/Vitae	Baxter Resume	07/29/2009
Resumes/Vitae	Cultural Resource Consultant Resume	07/29/2009
Resumes/Vitae	Cultural Resource Consultant Resume	07/29/2009
Tribal/NHO Involvement	TCNS Confirmation	07/29/2009
Area of Potential Effects	APE	07/29/2009
Other	Cultural Resource Report	07/29/2009
Photographs	Photos of Architectural Survey	07/29/2009
Historic Properties for Visual Effects	Architectural Excerpt from CRP	07/29/2009
Historic Properties for Direct Effects	Archeological Survey Excerpt from CRP	07/29/2009
Local Government Involvement	Request for Pre-App Mtg	07/30/2009
Local Government Involvement	Request for Pre-App Mtg #2	07/30/2009



Federal Aviation Administration
Air Traffic Airspace Branch, ASW-520
2601 Meacham Blvd.
Fort Worth, TX 76137-0520

Aeronautical Study No.
2009-AEA-1205-OE

Issued Date: 05/11/2009

Queli Campos
Community Wireless Structures, LLC
2800 Shirlington Road Suite 960
Arlington, VA 22206



**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Tower CWS Site 5: Broadlands
Location:	Ashburn, VA
Latitude:	39-01-39.45N NAD 83
Longitude:	77-30-26.24W
Heights:	155 feet above ground level (AGL) 522 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (202) 267-5235. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2009-AEA-1205-OE.

Signature Control No: 629657-109367169

(DNE)

Tracy Rosgen

Technician

Attachment(s)

Frequency Data

Frequency Data for ASN 2009-AEA-1205-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W

September 21, 2009

Mr. Thomas Murray
Community Wireless Structures
2800 Shirlington Road
Suite 960
Arlington, VA 22206

Re: Greenway Exit 5 cell tower buffer — SPEX 2009-0030

Dear Mr. Murray:

At your request, on September 16th, I visited the Exit 5 site to make observations about the vegetation and project plans. After reviewing the plans and discussing the site with Loudoun County forester Dana Malone, I am of the opinion that the site footprint should remain as it is, and that the forest cover that will remain after project completion will meet the Loudoun County requirements for buffering the site.

The forest consists of scattered mature oaks, mostly white oak (*Quercus alba*) and red oak (*Quercus* spp.), and young hickory (*Carya* spp.). The understory is relatively open with sapling and young oaks, hickories, white ash (*Fraxinus americana*), shadbush (*Amelanchier* spp.), blackhaw viburnum (*Viburnum prunifolium*), and lowbush blueberry (*Vaccinium angustifolium*). A few remnant eastern redcedars (*Juniperus virginiana*) are still there.

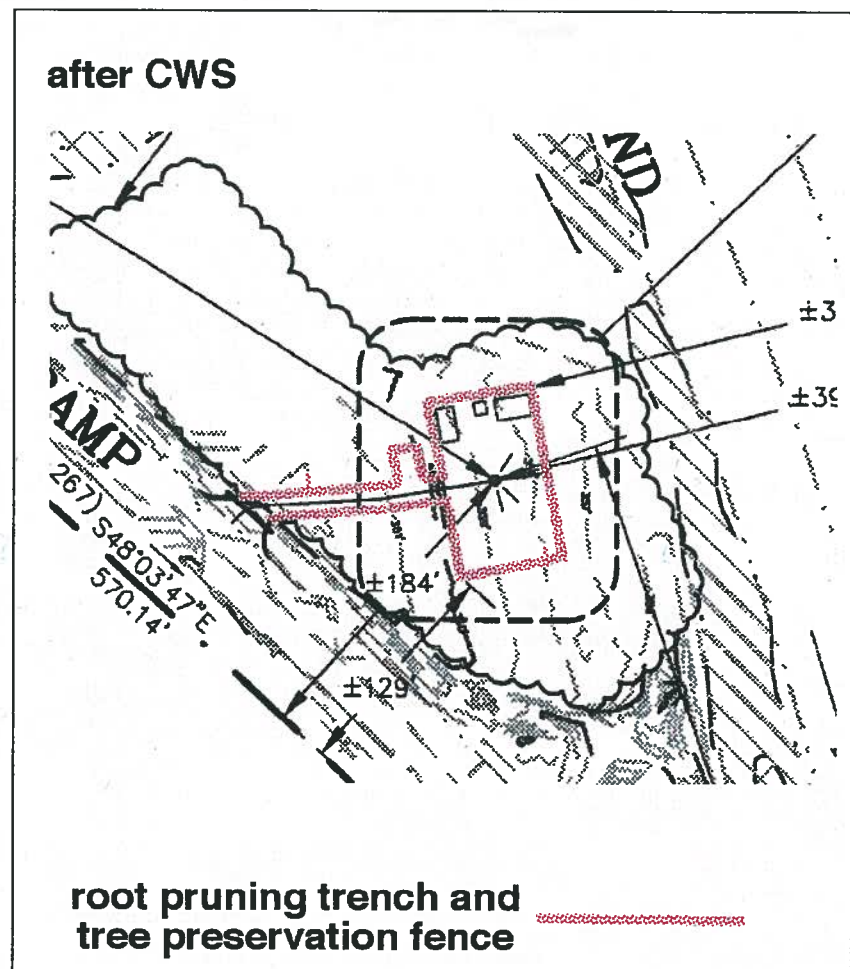
The condition of the overstory trees is either very good or poor. I suspect

that the trees in poor condition are declining due to a combination of construction damage when the Greenway was built and drought. Significant borer damage is evident in the declining trees.

However, the understory is in very good condition, and it is this component of the forest that will make up the buffer for this site and the future forest here.

You and I considered moving the footprint slightly to preserve additional large trees. However, no matter how we shifted the layout, preserving a mature tree on one side would jeopardize one on another side. So there was no net gain.

To maintain this buffer, I would suggest that the limits of clearing and grading for the facility footprint be rootpruned, and tree preservation fence be installed to limit activity to the area being cleared — see the drawing to the right. This will maximize survival of the trees outside the facility.



CWS should plan to monitor the condition of the remaining larger trees regularly after the project construction phase is finished. Any that decline should be taken down, leaving spars¹ and the debris on site as habitat, in order to protect the facility from damage.

The vegetation that remains after construction is deep and tall enough to provide the necessary buffer. This can be seen in the photographs at the end of this report; note the pink flagging tape along the LOC, which is highlighted for clarity by the red dotted lines.

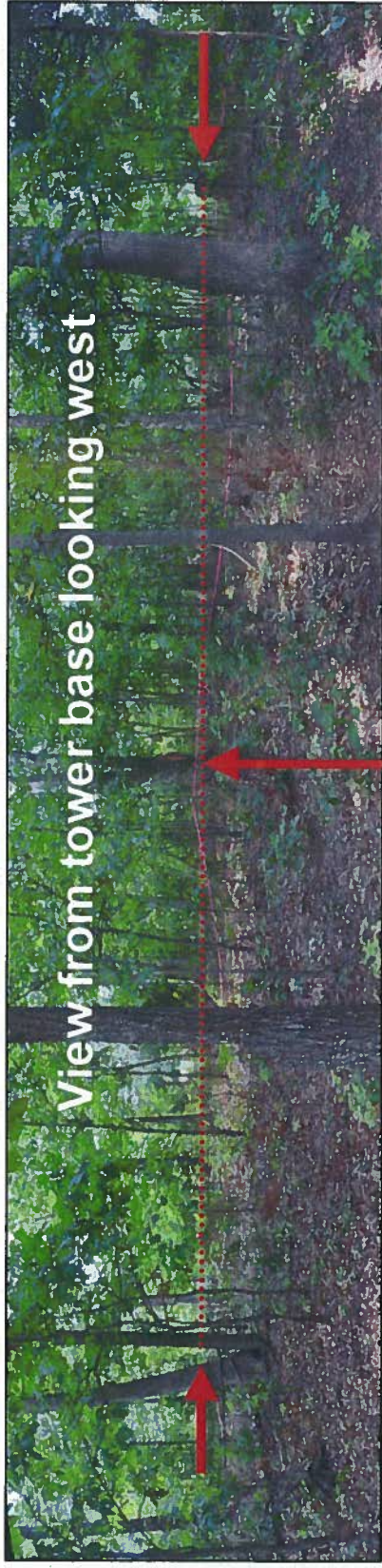
If you have any questions, please give me a call.

Best wishes,

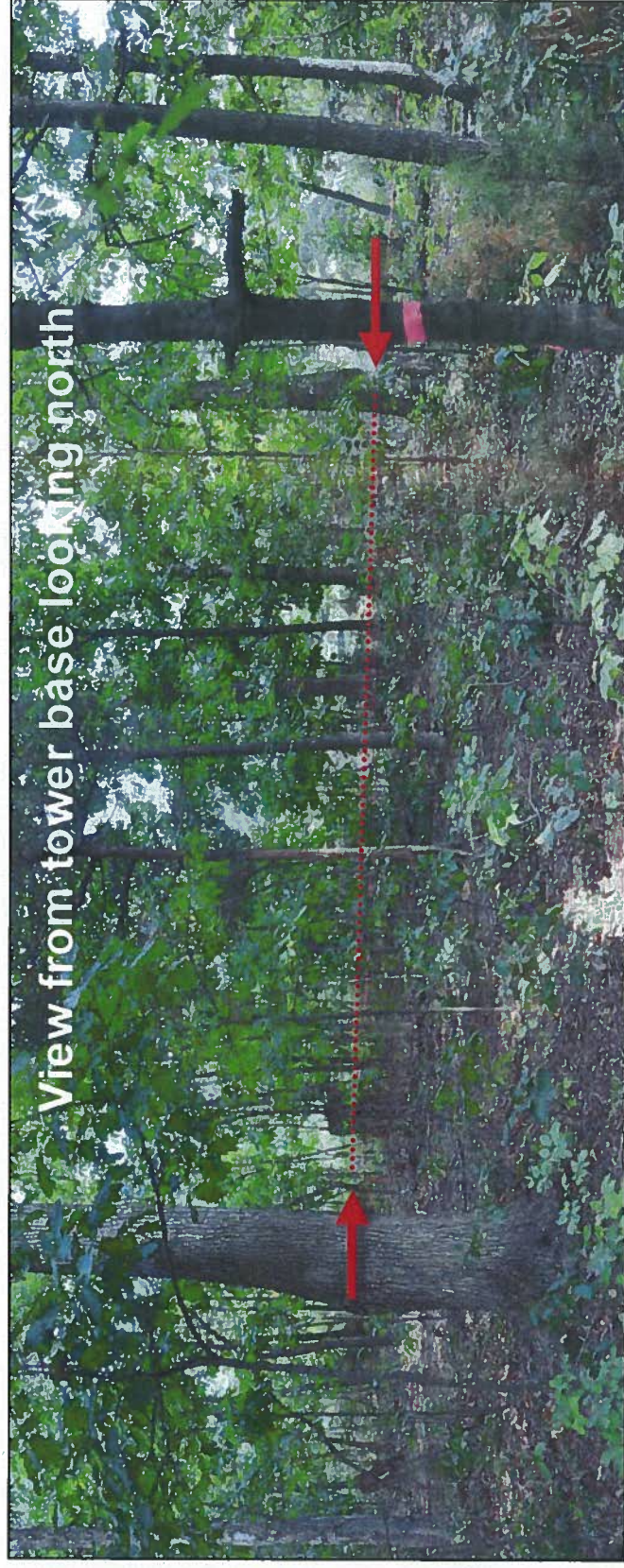
A handwritten signature in black ink, appearing to read 'Ed Milhous'.

Ed Milhous
Registered Consulting Arborist® #350

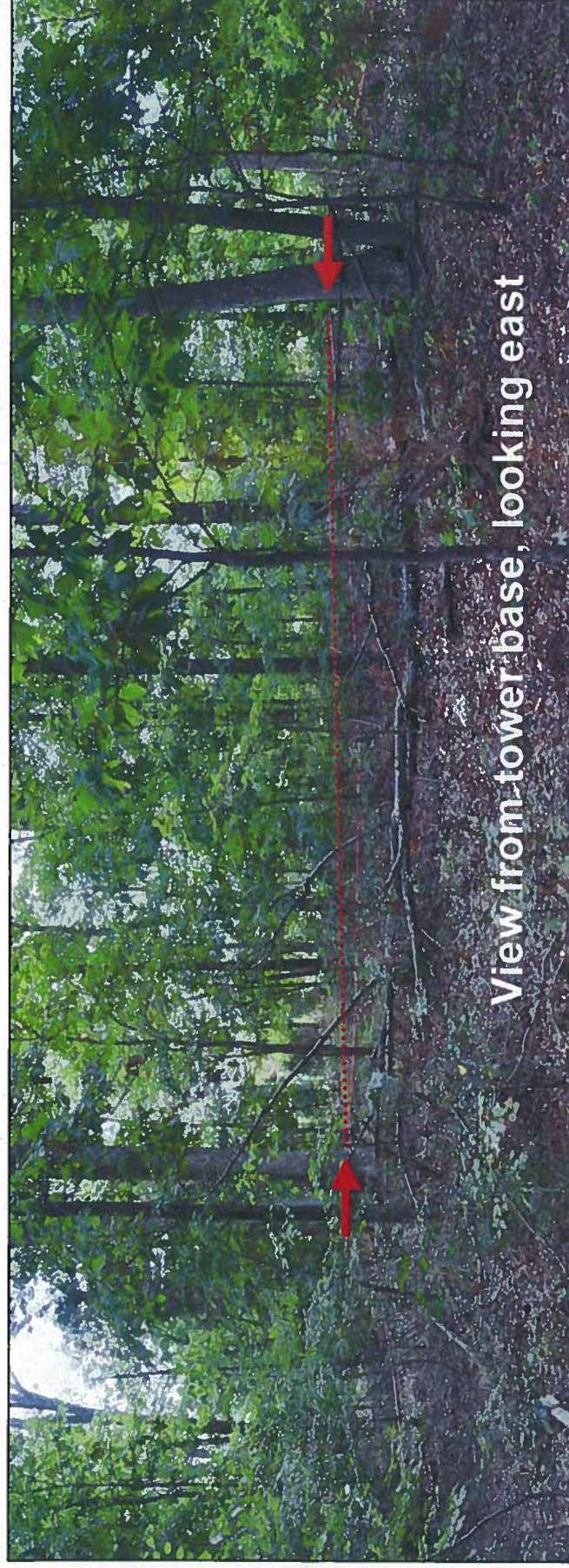
¹ A short trunk of a tree left standing when the tree is removed; provides excellent wildlife habitat.



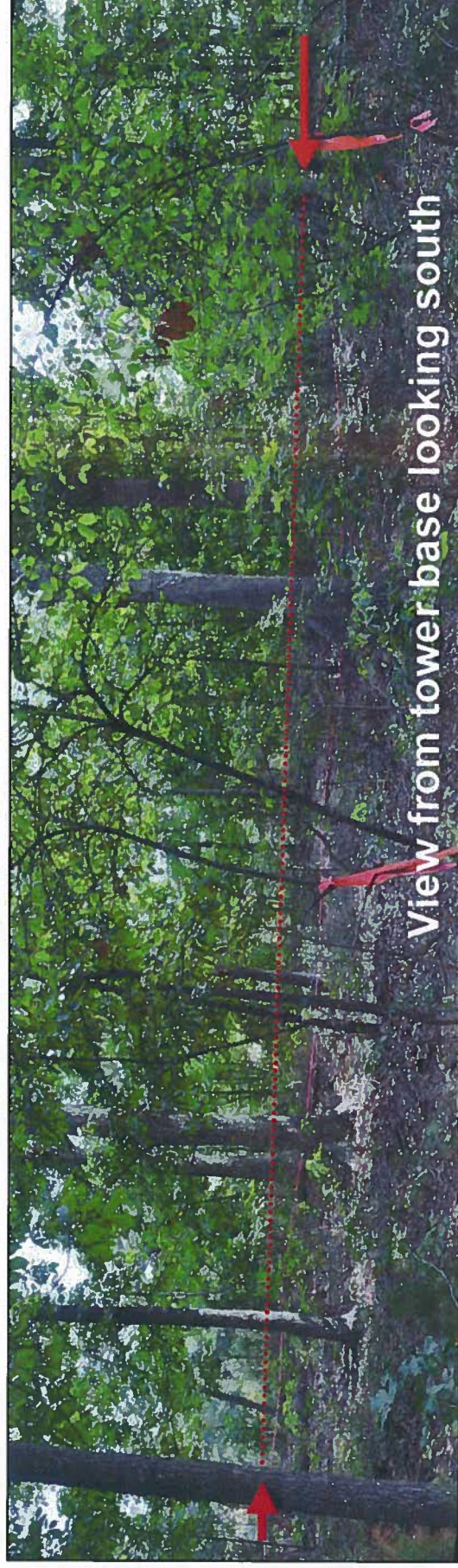
Entrance to facility comes through here from the exit ramp



Limits of clearing and grading indicated by red dotted line, from arrow to arrow



Limits of clearing and grading indicated by red dotted line, from arrow to arrow



Limits of clearing and grading indicated by red dotted line, from arrow to arrow